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May 26, 2021

**VIA ECF**

The Honorable George B. Daniels  
United States Courthouse  
500 Pearl Street, Room 1301  
New York, NY 10007

Re: *Cristian Sanchez v. Adobe Inc.*, Case No. 1:21-cv-01435-GBD  
Plaintiff's Request for Jurisdictional Discovery

Dear Judge Daniels:

We represent plaintiff Cristian Sanchez ("Plaintiff") in the above-referenced action and respectfully write in response to defendant Adobe, Inc.'s ("Defendant") pending motion to dismiss. *See* Docket No. 12. While the operative Complaint would survive Defendant's motion, Plaintiff seeks leave to conduct limited discovery on the issue of personal jurisdiction. Plaintiff would then amend the Complaint, which would hopefully obviate the need for any further motion practice. Plaintiff requests three months to conduct limited jurisdictional discovery, as well as an additional month to amend the complaint.

Defendant's motion seeks dismissal of the complaint on personal jurisdiction grounds, arguing that it does not have sufficient contacts with the State of New York to establish general or specific jurisdiction. Defendant is the owner, developer and distributor of some of the most ubiquitous computer software products in the world, including the Adobe Acrobat PDF reader, which is used on most personal computers, tablets and smart phone devices throughout the United States. Defendant is a large business organization that it is publicly traded on the New York Stock Exchange and maintains offices on five continents, including 21 separate offices throughout the United States, two within the City of New York itself.<sup>1</sup> Per its own website, in fiscal year 2020, Defendant achieved annual revenues of \$12.87 billion dollars.<sup>2</sup>

Given the breadth and complexity of Defendant's massive business organization, Plaintiff requests leave for three months to conduct limited discovery on the issue of jurisdiction,

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<sup>1</sup> <https://www.adobe.com/about-adobe/contact/offices.html>

<sup>2</sup> <https://news.adobe.com/news/news-details/2020/Adobe-Reports-Record-Q4-and-Fiscal-2020-Revenue-december/default.aspx#:~:text=during%20the%20quarter,-,Fiscal%20Year%202020%20Financial%20Highlights,year%20Dover%20year%20growth.>



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specifically, Defendant's commercial contacts with the State of New York. The exact extent of Defendant's contacts with this State, including *inter alia* sales made to residents of New York State through Defendant's website, is not public information. "A court generally should allow a plaintiff an opportunity to conduct discovery on . . . jurisdictional facts, at least where the facts for which discovery is sought, are peculiarly within the knowledge of the opposing party." *Guglielmo v. JEGS Auto., Inc.*, 20-cv-5376 (LJL), 2021 U.S. Dist. LEXIS 50347 (S.D.N.Y. Mar. 17, 2021) (citation omitted). Discovery on this issue will address the central contention of Defendant's motion to dismiss and will moot the need for further, unnecessary motion practice.

Should the Court grant leave to conduct jurisdictional discovery, within one week Plaintiff will serve written discovery on Defendant and will notice the deposition of Defendant's corporate representative(s). Plaintiff requests 90 days to conduct discovery on this limited jurisdictional issue. Additionally, following the 90-day discovery period, Plaintiff would need an additional month to amend the complaint, which Plaintiff can do as of right at this point of the case.

To conclude and summarize, Plaintiff respectfully proposes the following schedule: (i) an immediate 90 day limited jurisdictional discovery period; (ii) 30 days for Plaintiff to amend the complaint; (iii) 30 days for defendant to answer or otherwise respond; and (iv) in the event Defendant moves to dismiss, 30 days for Plaintiff to oppose the motion and an additional 14 days for Defendant's reply.

We thank the court for its consideration of the above requests.

Respectfully submitted,

/s/ Joseph H. Mizrahi  
Joseph H. Mizrahi, Esq.

cc: All Counsel of Record (via ECF)